

A Dope Fiend Murderer and the Sycophancy of a Jury

Twelve Men, Without the Courage of their Convictions, Harken to the Claims of Maudlin Sympathy for the Yenshee Soaked Yegg Man Who Shot Down a Policeman in Cold Blood and Give Him for the Rest of His Life Warmth and Food, a Few Hours' Work a Day and a Chance to Kill a Guard or Two Before He Escapes or Dies—While Every Thug in Ear Shot Throws Up His Hat in Glee.

In the progress of the varied work of Utah's courts many farces, in their day, have had their exits and their entrances. Justice has come up over a harder path here than elsewhere, perhaps, for the partisan religion that dominates politically long ago crept into the judiciary and the unrelenting throb of religious antagonism has times without number swayed men in the jury box to decisions that under ordinary conditions of court procedure and evidence would never have been made, a condition peculiar alone to Utah and for a reason that needs no review at this time.

Nor is this reason a matter that has anything to do with the fact that for the fifth or sixth time within a year or so another professional crook and hop-head has deliberately shot to death a man, confessed to the crime, voluntarily given its details, then, under legal advice, taken his statutory right to plead not guilty, fought his conviction with lies, "aged mother" pleas for sympathy, cleverness in getting on the jury men dogmatically opposed to capital punishment or who haven't nerve enough to do their duty when it lies clear before them, and with the thread-bare, worn-out story of "third degree" methods having been used to secure his confession of the killing, with the result that instead of swinging at the end of a rope he has betaken himself to the penitentiary, there to mingle with others of his kind for many days, watching and waiting for the chance to knife down a guard and break for liberty—and failing, to go back and watch and wait again.

On the night of Tuesday, October 6, Special Policeman C. C. Riley of the local force arrested two thugs, L. E. Driskell and a man named Kennedy in front of the Grand theatre. The two men had a few moments before held up and robbed Frank Nebeker, 958 East First South street, at the corner of Second South and Second East streets. Riley, immediately upon arresting the crooks, searched them about as thoroughly as the average police officer searches a man whom he has arrested on the street, before taking him to the police station. Driskell managed to slip a big pistol from his outside pocket down inside of the waistband of his trousers and in his search Riley missed the gun. Stepping between the two men, with Driskell on the inside of the walk, Riley marched them west on Second South to State street and north on State street toward the station. Just as the three reached the southern side of the Utah Implement company's building, directly opposite the Orpheum theatre, and at a moment or two after nine o'clock, Driskell suddenly whipped the gun from the waistband of his trousers, pressed its muzzle into Riley's side, and fired. Riley fell in a death swoon to the sidewalk. Driskell looked at him a moment and deliberately put another bullet into the writhing figure of the dying officer.

Riley passed away a few hours later, leaving a widow and six-months-old baby.

Driskell was caught and in the presence of the following business men, confessed to the shooting, stating implicitly again and again that he was confessing freely, of his own accord, and as the result of no duress or so called third degree police methods: A. H. Woolley, general manager of the grocery department of the Z. C. M. L.; Ezra Thompson, former mayor of Salt Lake; George Morgan, proprietor of the Vienna Cafe; R. W. Nicol, president of the Salt Lake Electric Supply company; C. J. Collins, manager of the

Eclipse Grocery company; and A. W. Cowan, president and manager of the Western Arms and Sporting Goods company.

And here is Driskell's confession:

"Yes, I shot Police Officer Riley.

"He had searched me when he arrested me, but I had slipped my gun down in front of my pants under the waistband and he overlooked it.

"When we were going toward the station house I stepped off the curbing and accidentally pulled loose from Riley, which caused him to move as if reaching for his gun, which I believed to be in his overcoat pocket. I then went for my gun, which was in front of my pants, and beat him to it, shooting immediately as I drew the gun from my pants.

"I knew I got him with this shot, but I shot again before he fell, making sure I had him before I left."

This is the general, all 'round tough, confirmed yenshee fiend, foot-pad and confessed murderer for whom a jury of twelve last week asked clemency and mercy, after finding from the evidence every word of the story of his crime true and declaring him guilty of murder in the first degree, for which under ordinary circumstances, the penalty in Utah is death by hanging or shooting.

It is doubtful if a more cowardly thing has been done in a jury room in this state in many years.

Spineless with sickish sentiment, the Driskell jury declared in effect—we find that a professional foot-pad wantonly and in cold blood shot a police officer to death, confessed to it, and that he is guilty of murder in the first degree, but believe, however, that clemency should be shown him and recommend life imprisonment as the punishment.

Men with the courage of their convictions—these! Men with a splendid sense of their duty to city and neighbors.

Strange, wasn't it, that Driskell, thinking better of his decision to throw himself on the mercy of the court, decided to plead not guilty and see what effect he could make on a jury and, doing so, dragged forth first of all the old skeleton of his confession having been forced from him by the police—third degree fiction known by heart to every crook from the Atlantic to the sun down rim of the continent and used invariably by them as a sort of first aid to the injured when they discover their confessions will not save them from the maximum penalty for their crimes.

Few outside those whose work brings or has brought them in contact with the various classes of criminals and the effect on them of the punishment or non-punishment of crime, particularly the evident reluctance of juries in certain communities to permit capital punishment to follow convictions for first degree murders, will realize the influence on crime and the actions of crooks generally of such a fiasco as that just participated in by the Driskell jury. It spells to the more desperate criminals this, that in Salt Lake they can, if necessary or by accident, shoot down their victim and stand better than an average chance of escaping the death penalty for the act. Particularly is this true since the Driskell conviction disgrace follows on the heels of fifteen other convictions for first degree murder in Salt Lake county courts within the last few years, wherein not one of the murderers has paid the penalty with his life.

Eternal vigilance is the price of a guard's safety at the Utah penitentiary. Joe Sullivan, the desperado and degenerate who shot Policeman Ford to death, is there. So is Abe Majors, the murderer of Captain Brown of the Ogden Police force. Shockley, the bandit, who killed two street car men when they resisted his efforts to hold them up, is there too. He pleaded self-defense and escaped hanging. Frank Connors murdered an officer at Provo. There are others there for similar crimes. All living on the fat of the land, putting in a few hours every day at ordinarily hard work and waiting—for what? For the opportunity that Majors, Sullivan and the others have taken advantage of time and again. A moment's relaxation of the discipline over them, a guard's carelessness and swish—a knife made from a file goes home, a spoon handle sharpened to razor edge cuts its nasty gash, a guard or two goes to the hospital more or less badly hurt, a jail break is nipped and the vigilance is resumed.

It has happened a dozen times out at the east bench institution and will probably recur as many more times before the end comes. The plans Sullivan and Majors have concocted for escaping are almost too numerous and varied to mention. The last one discovered was a scheme of three wheels on a broom handle, a sling attached to the handle in which one of them could sit or hang from, the gaining of the roof of the prison cell house, to the ridge of which is attached three telephone and light wires which come in from a pole outside the prison and with this trolley arrangement made a slide for life across the wall, taking their chances of escaping injury from the fusillade of rifle and revolver shots sure to be directed against them by the guards. Both Majors and Sullivan had contrived to fashion and attach the necessary wheels to their broomsticks and make the slings to hold them, when the apparatus was discovered in the cell of each. Where they secured their materials and when they did the work are still among the mysteries at the penitentiary. And yet the scheme was but one of many. Richard Deming is out there, too—he who, while confined in the county jail, feigned sickness so well that after the most painful and severe tests possible three doctors ordered him sent to a local hospital, from the ward of which, while his guard slept, he escaped in his night clothes in the dead of winter and eluded capture for weeks, finally being taken into custody in another state.

These are the men Driskell will probably soon join.

A week ago tonight Harry Thorne, an eighteen-year-old desperado and professional crook, shot a grocery man to death in his store on East Fourth South street. James Hays was with him, both members of a gang of yegg men who have been operating all over the western states. Thorne has confessed to the shooting and Hays to being present. The latter declined to sign his confession, as "he didn't see how it would shorten his term in the penitentiary any." From which it is very evident that both men entertain small idea of paying with their lives for the murder of Fassell, basing their hope of only a prison sentence, probably, on the splendid record the Driskell jury has made, as well as the illustrious examples of mushy-hearted jury justice of the Driskell stamp that have filled Utah's state prison with the worst